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Nationstar Mortgage, LLC

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION**

In re:

Mario Cobos,

Debtor.

Mario Cobos,

Plaintiff,

v.

Nationstar Mortgage, LLC

Defendants.

) Adversary Case No. 2:13-ap-01745-VZ

) Case No. 2:12-bk-35084-VZ

) Chapter 13

) **STIPULATION TO RESOLVE**

) **COMPLAINT TO DETERMINE THE**

) **VALUE OF SECURITY AND**

) **CREDITOR'S ALLOWED SECURED**

) **CLAIM**

) Date: 09/26/2013

) Time: 10:00 AM

) Ctrm: 1368

) *Judge: Honorable Vincent P. Zurzolo*

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1 Plaintiff/Debtor, Mario Cobos, by and through their attorneys of record, Thomas
2 B Ure; and Defendant/Creditor, Nationstar Mortgage LLC, its assignees and/or
3 successors (Second Mortgage), enter into this Stipulation for resolution of the Plaintiff's
4 Adversary Complaint to Determine the Value of Security and Creditor's Allowed
5 Secured Claim.

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7 **RECITALS**

- 8 A. Plaintiff filed a voluntary petition under Chapter 13 of the Bankruptcy Code
9 on 7/20/2012 in the United States Bankruptcy Court, CENTRAL District of
10 California (LOS ANGELES Division).
11 B. Plaintiff, for valuable consideration, made, executed and delivered to
12 CREDITOR a Note secured by a Second Deed of Trust on the property
13 commonly known as 14430 California Street, Baldwin Park, CA 91706
14 ("SECOND").
15 C. Plaintiff's principal residence was valued at approximately \$281,000.00 on
16 the date of the filing of said bankruptcy case.
17 D. Plaintiff's principal residence is encumbered by a First Deed of Trust in
18 favor of Nationstar Mortgage, LLC, in an amount of \$347,890.01.
19 E. The lien of Defendant is wholly unsecured in light of Nationstar Mortgage,
20 LLC's first deed of trust.
21 F. The Plaintiff brought this Adversary Complaint to avoid Defendant's second
22 position lien and deed of trust pursuant to 11 USC 1322.

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24 **THE PARTIES HERETO STIPULATE AND AGREE AS FOLLOWS:**

- 25 1. Defendant's second deed claim shall be deemed a general unsecured claim;
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2. The avoidance of Defendant's Second Deed of trust is contingent upon the Plaintiff's successful completion of their Chapter 13 Plan in this case and receipt of a discharge in the instant bankruptcy filing.
3. If this Chapter 13 bankruptcy is dismissed or converted to another chapter under title 11, Defendant's second position Deed of Trust shall remain a valid secured lien for the full amount due under the Promissory Note;
4. Upon foreclosure of the subject property by a senior lienholder prior to the date on which Plaintiff receives his discharge, Defendant shall retain all rights under applicable state law.

Dated: 10/11/2013



Merdaud Jafarnia, Esq.
Attorney for Creditor

Dated: 10/23/13



Thomas B Ure, Esq.
Attorney for Movant

IT IS SO ORDERED

Dated: _____

By: _____
Honorable
United States Bankruptcy Court Judge

McCarthy & Holthus, LLP
ATTORNEYS AT LAW
1700 AVENUE
SAN DIEGO, CALIFORNIA 92101
TELEPHONE (619) 686-4800 FACSIMILE (619) 686-4811

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
1770 Fourth Avenue
San Diego, CA 92101

A true and correct copy of the foregoing document entitled (*specify*): **STIPULATION AND ORDER ON MOTION TO VALUE COLLATERAL, "STRIP OFF" AND MODIFY RIGHTS; ORDER GRANTING MOTION TO DISMISS COMPLAINT PURSUANT TO RULE 12(B)(6); NOTICE OF LODGMENT OF ORDER** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **10/29/2013**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

TRUSTEE

Nancy K Curry
ecfnc@trustee13.com

DEBTOR(S) COUNSEL

Thomas B Ure
tbuesq@aol.com

US TRUSTEE

ustpreion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:

On (*date*) **10/28/2013**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR(S)

Mario Cobos, 14643 California St, Baldwin Park, CA 91706

JUDGE'S COPY

The Honorable Judge, Vincent P. Zurzolo, United States Bankruptcy Court - Los Angeles Division, 255 E. Temple Street, Suite 1360, Los Angeles, CA, 90012

☐ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

10/28/2013

Date

Hue Banh

Printed Name

/s/ Hue Banh

Signature

ADDITIONAL SERVICE INFORMATION

OTHER LIEN HOLDER(S)

Homeward Residential, P.O. Box 660029, Dallas, TX 75266